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1636

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Brines et al.

Serial No.: 09/716,960

Group Art Unit: 1636

Filed: November 21, 2000

Examiner: To be assigned

For: MODULATION OF EXCITABLE TISSUE  
FUNCTION BY PERIPHERALLY  
ADMINISTERED ERYTHROPOIETIN

Attorney Docket No.: 10165-009-999

#8  
M.Q.J.  
10/25/01  
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**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. §1.56**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This application is a divisional of U.S. Serial No. 09/547,220, filed April 11, 2000, which claims benefit of U.S. provisional application no. 60/118,030, filed April 13, 1999 (expired).

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to references CM to CQ listed on the attached revised form PTO-1449. Pursuant to 37 C.F.R. §1.98(d), copies of these references are available in the file of U.S. Serial No. 09/547,220 and are not provided herewith.

Identification of the listed references are not to be construed as an admission of the Applicants or Attorneys for the Applicants that such references are available as "prior art"

against the subject application. Consequently, the Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an alternative, the Applicants submit herewith a "revised form PTO-1449" entitled "List of References Cited" instead of "List of Prior Art Cited".

The Applicants respectfully request that the Examiner review the foregoing reference and that the reference be made of record in the file history of the application.

This Supplemental Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits; therefore, Applicants estimate that no fee is required. If a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date: October 16, 2001

Laura A. Coruzzi 30,742  
Laura A. Coruzzi (Reg. No.)

By: Eileen E. Falvey 46,097  
Eileen E. Falvey (Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711  
(212) 790-9090